WP(C) 3033/2007
BEFORE
THE HON'BLE MR JUSTICE HRISHIKESH ROY

1. Heard Mr B Gowwami, learned counsel appearing for the petitioners. Also heard Mr A K Das, learned counsel appearing for the respondent No.3, Principal, Cotton College and Mr U K Goswami, learned counsel appearing for the respondent No. 1 & 2.

2. The three petitioners herein were seeking admission to the Higher Secondary (Arts) Course in the Cotton College, for which they filed necessary applications on the basis of the marks secured by them in the Matriculation Examination.

3. It is submitted that on the day of the admission, i.e. on 16.7.2007, it is claimed that the petitioners and their guardians were present in the admission Hall where a large number of other students and guardians had also gathered on 16.7.2007. Because of the overcrowding in the Hall, the petitioners claim that they could not reach the Admission Desk when their names were called out and admission was secured by applicants who
had lesser marks. As the admissions were closed by 2:30 p.m., the petitioners despite securing higher marks were denied admission in the College.

3. Mr A K Das, learned counsel appearing for the Principal of the Cotton College submits that the submissions made on behalf of the writ petitioners are not correct as they failed to approach the admission authorities on the day of the admission despite several announcements which were made requiring presence of the petitioners. In fact, it is contended that the petitioners were not present in the Admission Hall and are now trying to make out a case for seeking admission by covering up their default. However, it is admitted by the learned counsel for the Principal, Cotton College, that some candidates who have secured lesser marks in the Matriculation Examination have been given admission in the absence of the candidates who have secured higher marks.

4. Mr B Goswami, learned counsel for the petitioners submits that the first two writ petitioners hail from Sadiya of Tinsukia District and the 3rd petitioner hails from Baihata Chariali. All of them had dreams of pursuing studies in the Cotton College. By virtue of their marks they would have also secured admission. But only because, they could not reach the admission desk at the time of admission due to overcrowding, they had been denied admission. Of course, it is claimed on behalf of the Principal that the three petitioners were not at all present in the Hall on the day of admission.

5. Be that as it may, considering the nature of the case, I dispose of this writ petition with a direction to the petitioners to approach the Principal, Cotton College with a prayer for admission even at this stage. This direction is being issued as the petitioners, by virtue of their marks would have secured admission and only because they failed to take admission, some students with lesser marks have been admitted in the College.

6. The Principal, Cotton College would sympathetically consider the representation of the petitioners and decide if it is possible to give admission to the three writ petitioners in the Arts stream of Cotton College and pass appropriate orders. However, the entire matter is left to the discretion and Judgment of the Pricipal.

7. With the aforesaid directions, this writ petition stands disposed off.

8. The petitioners would file their representation with all requisite particulars within 3 days from today and the Principal of the Cotton College would thereafter take decision on the representation of the petitioners, within a week of such representation.